

1 HB341
2 137063-2
3 By Representative Carns
4 RFD: Commerce and Small Business
5 First Read: 16-FEB-12

1 ENGROSSED

2
3
4 A BILL
5 TO BE ENTITLED
6 AN ACT
7

8 To amend Section 35-19-2, Code of Alabama 1975, to
9 exempt underground and aboveground storage tanks storing motor
10 fuel from the requirements of the Alabama Uniform
11 Environmental Covenants Act.

12 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

13 Section 1. Section 35-19-2, Code of Alabama 1975, is
14 amended to read as follows:

15 "§35-19-2.

16 "The following terms shall have the following
17 meanings:

18 "(1) ACTIVITY AND USE LIMITATIONS. Restrictions or
19 obligations created under this chapter with respect to real
20 property.

21 "(2) AGENCY or DEPARTMENT. The Alabama Department of
22 Environmental Management.

23 "(3) COMMON INTEREST COMMUNITY. A condominium,
24 cooperative, or other real property with respect to which a
25 person, by virtue of the person's ownership of a parcel of
26 real property, is obligated to pay property taxes or insurance
27 premiums, or for maintenance, or improvement of other real

1 property described in a recorded covenant that creates the
2 common interest community.

3 "(4) DIRECTOR. The Director of the Alabama
4 Department of Environmental Management or his or her
5 designated representative.

6 "(5) ENVIRONMENTAL COVENANT. A servitude arising
7 under an environmental response project that imposes activity
8 and use limitations.

9 "(6) ENVIRONMENTAL RESPONSE PROJECT. A plan or work
10 performed for environmental remediation of real property and
11 conducted under any of the following programs or situations:

12 "a. Under a federal or state program governing
13 environmental remediation of real property, including Chapter
14 30E of Title 22, but not including Chapter 36 of
15 Title 22.

16 "b. Incident to closure of a solid or hazardous
17 waste management unit, if the closure is conducted with
18 approval of an agency.

19 "c. Under a state voluntary clean-up program
20 authorized in Chapter 30E of Title 22.

21 "(7) HOLDER. The grantee of an environmental
22 covenant as specified in subsection (a) of Section 35-19-3.

23 "(8) PERSON. An individual, corporation, business
24 trust, estate, trust, partnership, limited liability company,
25 association, joint venture, public corporation, government,
26 governmental subdivision, agency, or instrumentality, or any
27 other legal or commercial entity.

1 "(9) RECORD. Used as a noun, means information that
2 is inscribed on a tangible medium or that is stored in an
3 electronic or other medium and is retrievable in perceivable
4 form.

5 "(10) STATE. The State of Alabama."

6 Section 2. This act shall become effective on the
7 first day of the third month following its passage and
8 approval by the Governor, or its otherwise becoming law.

1
2
3

4
5
6
7
8
9
10
11
12
13
14

15
16
17
18

House of Representatives

Read for the first time and re-
ferred to the House of Representa-
tives committee on Commerce and
Small Business..... 16-FEB-12

Read for the second time and placed
on the calendar 1 amendment 01-MAR-12

Read for the third time and passed
as amended..... 08-MAR-12

Yeas 96, Nays 0, Abstains 0

Greg Pappas
Clerk